

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 23-mj-68 (JFD)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER OF DETENTION
	)	
VATTHANA ANDY SENGSOURIYA,	)	
	)	
Defendant.	)	

This matter came before the Court on January 31, 2023, on the Government's motion for detention. Defendant Vatthana Andy Sengsouriya was present and represented by Assistant Federal Defender Jean M. Brandl. The United States was represented by Assistant United States Attorney Matthew D. Forbes. For the reasons that follow, the Court grants the Government's motion for detention.

**FINDINGS OF FACT**

1. On January 25, 2023, the United States filed an indictment alleging that Mr. Sengsouriya possessed cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C). (Doc. 2.) The alleged offense is a violation of the Controlled Substance Act and carries a maximum term of imprisonment of more than 10 years. *See* 21 U.S.C. § 841(b)(1)(C). The complaint also alleges that Mr. Sengsouriya possessed a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1) and § 924(a)(8). (Doc. 2.) The United States is therefore authorized to seek detention in this case. *See* 18 U.S.C. § 3142(f)(1)(C), (E).

2. Mr. Sengsouriya waived his right to oppose the Government's motion for detention and the Court found that waiver to be knowing, intelligent, and voluntary. Mr. Sengsouriya reserved the right to move the Court to reopen the issue of detention. .

### **CONCLUSIONS OF LAW**

1. Because Mr. Sengsouriya is charged with an offense under the Controlled Substances Act that has a maximum term of imprisonment of 10 years or more, there is a rebuttable presumption that no condition or combination of conditions will reasonably ensure Mr. Sengsouriya's appearance in court and the safety of the community. *See* 18 U.S.C. § 3142(e)(3).

2. After consideration of the factors under 18 U.S.C. § 3142(g), the presumption of detention, the allegations of the indictment, and Mr. Sengsouriya's waiver of the detention hearing, the Court concludes by a preponderance of the evidence that no condition or combination of conditions of release would reasonably assure Mr. Sengsouriya's appearance at further Court proceedings, and by clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community if Mr. Sengsouriya is released pending trial. For the foregoing reasons, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention is granted;
2. Mr. Sengsouriya is committed to the custody of the Attorney General;
3. Mr. Sengsouriya shall be afforded reasonable opportunity to consult privately with counsel; and

4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which Mr. Sengsouriya is confined shall deliver Mr. Sengsouriya to the United States Marshal for the purpose of appearance in connection with further court proceedings.

Dated: February 1, 2023

s/David T. Schultz  
David T. Schultz  
United States Magistrate Judge